Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TRUEPOSITION, INC.,	)	
	)	
PLAINTIFF/	)	
COUNTERCLAIM- DEFENDANT,	)	
	)	
	)	
v.	)	CA NO. 05-00747-SLR
	)	
ANDREW CORPORATION,	)	
	)	
DEFENDANT/	)	
COUNTERCLAIM-PLAINTIFF.	)	

REBUTTAL EXPERT REPORT OF DR. DEWAYNE E. PERRY

1. My name is Dewayne E. Perry. I am the Professor and Motorola Regents Chair of Software Engineering at the University of Texas at Austin. My C.V. is attached. Andrew Corporation has retained me as a technical expert in this case to determine whether TruePosition's commercial products practice U.S. Patent No. 5,327,144 ('144 patent). I submit this rebuttal report in response to the opinion expressed in Carla Mulhern's report

Based on my review of TruePosition's

2. I analyzed TruePosition's code for Releases 7, 8, 9 and 10 at the Iron Mountain facility in Malvern, Pennsylvania on 20 and 27 October, 20 November, and 17, 18 and 19 December 2006.

3. I understand that TruePosition's technical expert witness Oded Gottesman refers to Figures 7 and 8A-8D of the '144 patent as representing the patent's algorithm for processing data to identify individual cellular telephone signals. With respect to Figure 7,

4. With respect to Figures 8A and 8B identified by Dr. Gottesman, step 1 as

5. Finally, step 3 as represented in Figures 8C and 8D (and 8E) is not

6. In the past four years I have provided expert testimony in depositions in the following cases: DDB v. MLBAM, Touchcom/Hollidge Litigation, LML v. TeleCheck. I am being compensated for my work associated with this litigation at my customary rate of $350 per hour. My compensation does not depend on the outcome of this litigation, the opinions I express, or my testimony. My CV, which includes a list of my publications, is attached as Exhibit A. Attached as Exhibit B is a list of materials considered by me in connection with my work on this matter.

December 22, 2006

Dewayne E. Perry

EXHIBIT A

CURRICULUM VITAE

Dewayne E. Perry

Electrical and Computer Engineering
The University of Texas at Austin
Austin TX 78712
+1.512.471.2050
+1.512.471.5532 (fax)
perry@ece.utexas.edu
www.ece.utexas.edu/~perry/

1705 Randolph Ridge Trail
Austin TX 78746
1.512.732.7247

Education

Ph.D. Computer Science, May 1978. Stevens Institute of Technology, Hoboken, NJ. Dissertation: *High Level Language Features for Handling I/O Devices in Real Time Systems.*

M.S. Computer Science, May 1977. Stevens Institute of Technology, Hoboken, NJ.

Graduate studies, Philosophy (September 1962 - June 1965), Music (January 1966 - June 1967), University of California, Los Angeles.

B.A. Music and Philosophy, June 1962. Westmont College, Santa Barbara, CA.

Academic Employment

November 1999 - present: Professor and Motorola Regents Chair of Software Engineering. Department of Electrical and Cmputer Engineering, College of Engineering, The University of Texas at Austin, Austin TX.

May 2002 - March 2004: Director, Center for Advanced Research In Software Engineering Department of Electrical and Computer Engineering, College of Engineering, The University of Texas at Austin, Austin TX.

January 2000 - January 2003: Director, Executive Software Engineering Masters Program, Department of Electrical and Computer Engineering, College of Engineering, The University of Texas at Austin, Austin TX.

September 1979 - June 1984: Visiting Faculty. Carnegie-Mellon University, Department of Computer Science, Pittsburgh PA.

September 1978 - June 1979: Affiliate Associate professor of Computer Science. Stevens Institute of Technology, Department of Pure and Applied Mathematics, Hoboken NJ.

September 1975 - June 1976: Adjunct Assistant professor of Computer Science. Fairleigh-Dickinson University, Department of Mathematics and Physics, Madison NJ.

September 1963 - June 1965: Teaching Assistant, Philosophy. University of California, Los Angeles, CA.

September 1961 - June 1962: Teaching Assistant, Music. Westmont College, Santa Barbara CA.

Industrial Employment

January 1996 - December 1999: Member of Technical Staff, Research. Bell Laboratories, Murray Hill NJ.

November 1983 - December 1995: Member of Technical Staff, Research. AT&T Bell Laboratories, Murray Hill NJ.

August 1973 - November 1983: President/Consultant. Pegasus Systems, Summit NJ.

January 1972 - August 1973: Programmer/Analyst. Quotron Systems Inc., Marina Del Rey CA.

June 1967 - January 1972: Associate. Planning Research Corporation, Westwood CA.

June 1965 - March 1967: R&D Programmer. System Development Corporation, Santa Monica CA.

Awards and Invited Keynotes

Keynote, "Architecture and Design Intent in Component and COTS Based Systems", International Conference on COTS Based Software Systems, February 2006, Orlando FL., February 2006

Keynote, "Software Architecture: Past, Present and Future", European Workshop on Software Architecture 2005, Pisa Italy, June 2005

Keynote, "Product Line Architecture: Generic Descriptions & Case Study ", SOFT-PI'04: SOFtware Technologies

for Performance and Interoperability, Tulsa OK, June 2005

Keynote. "Abstraction – the Hard Core of Software Engineering." ETAPS 2003 Workshop: Structured Programming: The Hard Core of Software Engineering, Warsaw Poland, April 2003.

Keynote, "Software Architecture: Leverage for System Evolution", Symposium on Technology for Evolutionary Software Development, 23 September 2002, Bonn Germany

Keynote, "Software Architecture: Leverage for System/Program Comprehension", International Workshop on Program Comprehension 2001, Toronto Canada, 13 May 2001

Keynote, "Generic Architectures: A Dynamic Case in Point", International Symposium on Software Reuse 2001, Toronto Canada, 20 May 2001

Keynote, "Software Architecture and Software Engineering", International Conference on Software: Theory and Practice, 2000 (ICSP2000), Beijing China, August 2000.

ICSE99 Award: Most Influential Paper ("The Inscape Environment") from ICSE11; Keynote: "Software Evolution and Light Semantics". Los Angeles CA, May 1999.

Distinguished Lecture Series in Software Development and Software Engineering, University of Texas at Austin, "Software Architecture and Software Engineering", February 1999.

Keynote, "Software Architecture and Quality", Conquest 98. Nuernberg Germany, September 1998

31st Annual ICL/Newcastle International Seminar, Software Architecture and Design: "Generic Software Architecture Descriptions" and "A Case Study in Product Line Architecture", Newcastle UK, September 1998

"Software Architecture and it's Relevance to Software Engineering", Coordination 1997, Berlin Germany, September 1997.

"State of the Art in Software Architecture", 1997 International Conference on Software Engineering, Boston Mass, May 1997.

Keynote, "Why is it so Hard to Find Feedback Control in Software Processes", 1996 Australasian Computer Science Conference, Melbourne AU, February 1996.

14th International Speaker, Washington DC Professional Development Seminars, Fall 1995, "Dimensions of Software Evolution".

"Managing Software Evolution", Bari Summer School of Software Engineering, Bari Italy, June 1995.

Keynote, "Dimensions of Evolution", International Conference on Software Maintenance, Victoria BC, Canada, September 1994

Keynote, "Software Faults in Evolving a Large, Real-Time System: a Case Study", 4th European Software Engineering Conference -- ESEC93, Garmisch, Germany, September 1993.

Keynote, Workshop on Applying Artificial Intelligence to Software Problems, 1992.

Keynote, "Industrial Strength Software Development Environments", IFIPS 89 World Congress, Software Engineering Track, San Francisco CA, August 1989.

Best Paper, The 9th International Conference on Software Engineering, Monterey CA, April 1987, for "Software Interconnection Models".

Professional Activities

Boards, Steering Committes and Panels

Founding Member, Board of Directors, Institute of Software Engineers, 2006-Present

Editorial Board, Software Process: Improvement and Practice, Wiley Interscience, 2006-Present

Steering Committee, IFIP Working International Conference on Software Architecture (WICSA), 2005-Present

SE External Examiner. Institute of Systems Science, National University of Singapore, 2005-Present.

Associate Editor, ACM Transactions on Embedded Computing Systems, 2004-Present.

Advisory Board, Software Process: Improvement and Practice, Wiley Interscience, 2004-2006.

Member, Board of Directors, International Association of Software Architects, 2004-present.

Chair, International Software Process Association, 1993-Present.

Member, Steering Committee, IFIP WG 2.10 (Software Architecture), 1999-Present.

Member, International Software Architecture Workshop Steering Committee, 1997-Present.

Co-Editor-in-Chief, Software Process: Improvement and Practice, Wiley Interscience, 1994-2004.

Member, NSF/SIGSOFT Software Engineering Impact Group, 2000-2003.

Member, Editorial Board, IEEE Transactions on Software Engineering, 1992-1999.

Member, Disciplined Engineering Board, Software Engineering Institute, CMU, 1995-1996.

Member, ICSE Steering Committee, 1993-1998

Member, Symposium on Software Development Environments Steering Committee, 1989-1993.

Member-At-Large, ACM SIGSOFT, 1990-93

Member, Software Engineering Editorial Board of the Journal of Computer and Software Engineering.

Member of the Executive Committee, IEEE Technical Committee on Software Engineering.

NSF Research Initiation Awards Panel, Software Engineering Proposals.

Conference Leadership

Co-Chair, Combined Workshop on Sharing Architecture Knowledge and Architecture Rationale and Design Intent, 29th International Conference on Software Engineering, May 2007

Co-Chair, 2nd International Workshop on Incorporating COTS Software into Software Systems, 29th International Conference on Software Engineering, May 2007

Co-Chair, CASCON 2004 Workshop on Requirements/Architectures, October 2004.

Co-chair, International Workshop on Incorporating COTS-Software into Software Systems: Tools and Techniques (IWICSS), February 2004.

Chair, Panels, 2003 International Conference on Software Engineering, May 2003

Chair, Most Influential Paper from ICSE 1993, 2003 International Conference on Software Engineering, May 2003

Co-Chair,Industrial Track, 2001 International Conference on Software Engineering, May 2001

Co-Program Chair, Software Process Improvement 2000, Gothenberg Sweden, December 2000.

Co-Program Chair, Software Process Improvement 1999, Barcelona, December 1999

Organizing Committee, 1999 Workshop on Principles of Software Evolution, Fukuoka Japan, July 1999

Publicity Chair, 1999 International Conference on Software Engineering, May 1999

Co-Program Chair, 1st Working IFIP Conference on Software Architecture, San Antonio, February 1999

Co-Chair, 3rd International Software Architecture Workshop, Orlando FL, October 1998

Chair, 5th International Conference on Software Process, Lisle IL, June 1998

Organizing Committee, ICSE98 Workshop on Principles of Software Evolution, Kyoto Japan, April 1998

Workshop Co-chair, International Software Engineering Conference '98, Kyoto Japan, April 1998.

Organizing and Conference Chair, 17th International Conference on Software Engineering, Seattle WA, April-May 1995.

Program Chair, 3rd International Conference on the Software Process, Washington DC, October 1994.

Tutorial Chair, SIGSOFT'93 - Foundations of Software Engineering, Los Angeles CA, December 1993.

Workshop Chair, 15th International Conference on Software Engineering, Baltimore MD, May 1993.

Tutorial Chair, 14th International Conference on Software Engineering, Melbourne, Australia, May 1992.

Chair, 13th-17th International Conference on Software Engineering PC subcommittee for Best Papers from ICSE2 - ICSE7.

Area Chair, 13th International Conference on Software Engineering, Austin TX, May 1991.

Conference Chair, SIGSOFT'90 - 4th Symposium on Software Development Environments, Irvine CA, 3-5 December 1990.

Co-Program Chair, Symposium on Environments and Tools for Ada (SETA1), Los Angeles CA, May 1990. (The merger of the Future APSE Workshop and the 4th International Ada Applications and Environments Conference)

Workshop Chair, 5th International Software Process Workshop: Experience With Software Process Models, Kennebunkport ME, 10-13 October 1989.

Program Chair, 3rd International Ada Applications and Environments Conference, Manchester NH, May 1988.

Conference/Workshop Program Committee Member

ICSE 2007: MSR '07 -Workshop on Mining Software Repositories 2007, May 2007

ICCBSS 2006 - Sixth International Conference on COTS-Based Software Systems 2007, March 2007

WICSA6 - IFIP Working International Conference on Software Architecture 2007, January 2007

FSE 2006 - ACM SIGSOFT Foundations of Software Engineering 2006, November 2006

ICGSE 2006 - First International Conference on Global Software Engineering 2006, October 2006

EWSA 2006 - European Workshop on Software Architecture 2006, September 2006

ISESE 2006 - International Conference on Empirical Software Engineering 2006, September 2006

ICSE 2006 - Tutorial Committee: International Conference on Software Engineering 2006, May 2006

ICSE 2006: MSR '06 -Workshop on Mining Software Repositories 2006, May 2006

SPW/ProSim 2006 - Software Process Workshop/Workshop on Software Process Simulation and Modeling 2006, May 2006

WISE 2005 - Sixth International Conference on Web Information Systems 2005, November 2005

WICSA5 - The 5th IFIP Working International Conference on Software Architecture 2005, November 2005

ISESE 2005 - The 4th International Symposium on Empirical Software Engineering, November 2005

EWSA 2005 - European Workshop on Software Architecture, June 2005

ICSE 2005: WADS '05 - Workshop on Architecting Dependable Systems 2005, May 2005

ICSE 2005: MSR '05 -Workshop on Mining Software Repositories 2005, May 2005

ProSim'05 - The 5th International Workshop on Software Process Simulation and Modeling, May 2005

Beijing Software Process Workshop 2005, May 2005

IWICSS 2005 - International Workshop on Incorporating COTS into Software Systems 2005, January 2005

WICSA4 - 4th Working IFIP Conference on Software Architecture, 2004, June 2004

EWSA '04 - European Workshop on Softwre Architecture 2004, May 2004

ICSE 2004: WADS '04 - Workshop on Architecting Dependable Systems 2004, May/June 2004

ICSE 2004: MSR '04 -Workshop on Mining Software Repositories 2004, May 2004

ProSim'04 - The 5th International Workshop on Software Process Simulation and Modeling, May 2004

Fifth International Workshop on Product Family Engineering, November 2003

International Conference on Quality Software 2003, September 2003

9th European Workshop on Software Process Technology, September 2003

Fifth International Workshop on Product Family Engineering, November 2003

Third International Conference for Quality Software, September 2003

International Software Process Workshop 2003, May 2003

ICSE2003: WADS '03 - Architecting Dependable Systems, May 2003

2002 International Symposium on Empirical Software Engineering, October 2002

International Conference on Software Maintenance, 2002, September 2002

3rd Working IFIP Conference on Software Architecture, WICSA3, August 2002

ProSim/ISPW2002, July 2002

International Conference on Software Engineering, 2002, May 2002

ICSE2002: WADS '02 - Architecting Dependable Systems, May 2002

4th Product Line Architecture Workshop, October 2001

European Software Engineering Conference and Foundations of Software Engineering 2001, September 2001

Second Working IFIP/IEEE Conference on Software Architecture (WICSA2), 2000/2001

International Conference on Software Engineering, 2001, May 2001

ICSE2001 Workshop: From Software Requirements to Architectures - STRAW 2001,

IFIP/IEEE International Workshop on Distributed Systems: Operations and Management 2000 (ISOM2000), Austin TX, December 2000

Foundations of Software Engineering 2000, November 2000

Middleware Symposium, Principles of Distributed Computing Conference, July 2000.

Feast Workshop, July 2000

4th International Software Architecture Workshop, ICSE2000, June 2000

Workshop on Multi-Dimensional Separation of Concerns in Software Engineering, ICSE2000, June 2000

3rd Product Line Architecture Workshop, February 2000

2nd International Workshop on Principles of Software Evolution, Japan, July 1999

1999 Workshop on Engineering Distributed Objects, ICSE99, May 1999

Coordination 1999, Amsterdam, April 1999.

5th International Conference on Software Reuse, June 1998

International Software Engineering Conference '98, April 1998

Coordination '97, September 1997.

International Software Engineering Conference '97, May 1997.

4th International Conference on the Software Process, December 1996.

4th ACM Sigsoft Conference on the Foundations of Software Engineering, October 1996.

10th International Software Process Workshop, June 1996.

6th Empirical Studies Workshop, January 1996.

Software Architecture workshop (ISAW1), ICSE17, April 1995.

9th International Software Process Workshop, October 1994.

16th International Conference on Software Engineering, May 1994.

7th International Workshop on Software Specification and Design, December 1993.

15th International Conference on Software Engineering, May 1993.

2nd International Conference on the Software Process, Berlin, Germany, February 1993.

International Workshop on Hardware-Software Codesign, Estes Park, CO, September 1992.

1st International Conference on the Software Process, Redondo Beach, CA, October 1991.

6th International Workshop on Software Specification and Design, Lake Como, Italy, October 1991.

4th Symposium on Testing, Analysis, and Verification, Victoria BC, October 1991.

13th International Conference on Software Engineering, Austin TX, May 1991

Software Process Symposium, Washington DC, September 1990.

12th International Conference on Software Engineering, Nice, France, March 1990.

2nd Symposium on Configuration Management, Princeton NJ, October 1989.

11th International Conference on Software Engineering, Pittsburgh PA, May 1989.

5th International Workshop on Software Specification and Design, Pittsburgh PA, May 1989.

4th International Software Process Workshop, Moretonhampstead, Devon, England, May 1988.

2rd International Ada Applications and Environments Conference, Miami FL, April 1986.

Professional Membership

Institute for Electrical and Eloctronic Engineers (IEEE) 1977-Present

IEEE Computer Society, 1977-Present

IEEE Computer Society Technical Council on Software Engineering (TCSE)

Association for Computing Machinery (ACM), 1977-Present

ACM Special Interest Groups on Operating Systems (SIGOPS), Programming Languages (SIGPLAN) and Software Engineering (SIGSOFT)

Grants and Contracts

NSF CISE REU: Extension to "SOD Collaborative Research: Constraint-Based Architecture Evaluation", $12,000, 2006-2007

NSF CISE: "SOD Collaborative Research: Constraint-Based Architecture Evaluation", $1,000,000, 2005-2009

NSF CISE REU: Extension to "Transforming Requirements Specifications into Architectural Prescriptions", $6,000, 2005-2006

NSF CISE REU: Extension to "Transforming Requirements Specifications into Architectural Prescriptions", $12,060, 2004-2005

NSF CISE: "Transforming Requirements Specifications into Architectural Prescriptions", $300,000, 2003-2006

Microsoft, Software Packages grant, $12,000, September 2002

Intel, Equipment Grant, $18,000, September 2002

Tivoli Systems Research Associate Grant, "Tranforming Goal-Directed Requirements into Architectural Prescriptions", $30,000, 2000-2001

[Note: All my work as Pegasus Systems was contract work. I have included here only those contracts which were research related contracts]

Engineering and Physical Sciences Research Council, UK. FEAST/2 (Feedback, Evolution and Software Technology). GR/M44101: 234,752 UKPounds ($387,350) for April 1999 - March 2001. (Core Research Team: Prof. MM Lehman, Imperial College, Prof W Turski, Warsaw University, DE Perry, Bell Laboratories).

Engineering and Physical Sciences Research Council, UK. Senior Visiting Fellows. GR/L96561 for 11,118 UKPounds ($18,350) for 1998-1999 (Prof W. Turski, Warsaw University, DE Perry, Bell Laboratories).

Engineering and Physical Sciences Research Council, UK. Senior Visiting Fellows. GR/L07437 for 11,880 UKPounds ($19,600) for 1996-1997 (Prof W. Turski, Warsaw University, DE Perry, Bell Laboratories).

Engineering and Physical Sciences Research Council, UK. FEAST/1 (Feedback, Evolution and Software Technology). GR/K86008: 239,262 UKPounds ($394,800) for October 1996 - October 1998. (Core Research Team: Prof. MM Lehman, Imperial College, Prof W Turski, Warsaw University, DE Perry, Bell Laboratories).

Computer System Integration and Operations Division, CENTACS, CORADCOM, US Army, Fort Monmouth, NJ. Measurement and Analysis of Distributed Systems. $9300, 1981 (Principle Investigator).

Research Group, Computer Research Division, Army Tactical Computer Technology Laboratory, CORADCOM, Fort Monmouth, NJ. 1) Advanced programming and Ada, 2) Continuous operation of distributed systems, and 3) Language oriented software development environments. $124,000, September 1979 - October 1981. (Principle Investigator).

Software Engineering Division, CENTACS, CORADCOM, Ft. Monmouth, NJ. Review and Evaluation of Ada. $21,900, 1978-1979 (Principle Ivestigator).

USAECOM PMARTADS - CENTACS, Software Engineering Division, Fort Monmouth. Convert prompting system to commercial database ADABASE. Create model for maintanence documentation. $17,600, 1977 (Principle Ivestigator).

USAECOM Comm/ADP Lab, Advanced System Design and Development Division. Intelligent Communications Terminal. $27,000, 1976 (Principle Ivestigator for the system software).

USAECOM Comm/ADP Lab, Advanced System Desigh and Development Division. Intelligent prompting system. $15,500, 1975 (Principle Ivestigator).

Publications

Books and Book Chapters

1. Matthew J. Hawthorne and Dewayne E. Perry, "Software Engineering Education in the Era of Outsourcing, Distributed Development, and Open Source Software: Challenges and Opportunities". Paola Inverardi and Mehdi Jazayeri, Editors. Software Engineering Education in the Modern Age: Challenges and Possibilities, PostProceedings of ICSE '05 Education and Training Track Springer Verlag, 2006, Lecture Notes in Computer Science, LNCS 4309
2. Software Evolution and Feedback: Theory and Practice. Nazim H. Madhavji, Juan Fernandez-Ramil, Dewayne Perry, Editors. West Sussex, UK: John Wiley & Sons, Ltd, 2006, June 2006
3. Dewayne E. Perry. "Chapter 2: A Nontraditional View of the Dimensions of Software Evolution". Software Evolution and Feedback: Theory and Practice. Nazim H. Madhavji, Juan Fernandez-Ramil, Dewayne Perry, Editors. West Sussex, UK: John Wiley & Sons, Ltd, 2006, June 2006. pp 41-52.
4. Mier M. Lehman, Dewayne E Perry and Wladyslaw Turski. "Chapter 17: Difficulties with Feedback Control in Software Processes". Software Evolution and Feedback: Theory and Practice. Nazim H. Madhavji, Juan Fernandez-Ramil, Dewayne Perry, Editors. West Sussex, UK: John Wiley & Sons, Ltd, 2006, June 2006. pp 363-376
5. Alexander Egyed, Hausi A Mueller, and Dewayne E Perry. Guest Editors, Special Issue: COTS Integration, IEEE Software 22:4 (July/August 2005)
6. Dewayne E Perry. "Dimensions of Software Evolution." Revised and rewritten June 2004 for Madhavji, Lehman, Ramil and Perry, Software Evolution, to be published by Wiley & Sons, 2005
7. Nazim Madhavji, Meir M Lehman, Juan Fernandez Ramil and Dewayne E Perry. Software Evolution, to be published by Wiley & Sons, 2005
8. Dewayne E Perry. "Why is it so hard to find Feedback Control in Software Processes" Revised and rewritten July 2004 for Madhavji, Lehman, Ramil and Perry, Feedback Control in Software Processes to be published by Wiley & Sons, 2005
9. Nazim Madhavji, Meir M Lehman, Juan Fernandez Ramil and Dewayne E Perry. Feedback Control in Software Processes, to be published by Wiley & Sons, 2005
10. Alexander Egyed and Dewayne E. Perry, Proceedings of the 1st International Workshop on Incorporating COTS Software into Software Systems (WICSS 2004). 3rd International Conference on COTS-Based Software Systems (ICCBSS 2004), Redondo Beach, February 2004.
11. Dewayne E Perry. Foreword. Architecting Dependable Systems. Lemos, Gacek and Romanovksy, Eds. Springer Verlag, LNCS 2677, 2003, pp v-vi.
12. Paul Clements, Alexander Ran and Dewayne Perry, Proceedings of the 1st Working IFIP Conference on Software Architecture (WICSA1), February 1999.
13. Jeff N. Magee and Dewayne E. Perry, Proceedings of the 3rd International Software Architecture Workshop, ACM SIGSOFT, November 1998. Acm Press, 1998.
14. Barry Boehm, Mark I. Kellner and Dewayne E. Perry, Proceedings of the 10th International Workshop on Software Process, IEEE Computer Society, August 1998.
15. Robert Balzer, Leon J. Osterweil and Dewayne E. Perry, Proceedings of the 5th International Conference on Software Process, International Software Process Association, June 1998
16. Dewayne E. Perry, Nancy Staudenmayer and Larry Votta, "Understanding and Improving Time Usage in Software Development", Trends in Software: Software Process, Fuggetta and Wolf, Editors, Volume 5, John Wiley & Sons: 1996.
17. Dewayne Perry, Ross Jeffery and David Notkin, Editors, Proceedings of the 17th International Conference on Software Engineering, The Association for Computing Machinery, April 1995.
18. Dewayne E. Perry, Editor. Proceedings of the Third International Conference on the Software Process: Applying the Software Process, IEEE Computer Society Press, October 1994.
19. Dewayne E. Perry, Editor. Proceedings of the Fifth International Software Process Workshop, Kennebunkport ME, October 1989. IEEE Computer Society Press, 1990.
20. Derek Morris and Dewayne E. Perry, editors. Proceedings of the 3rd International Ada Applications and Environments Conference, Manchester NH, May 1988. IEEE Computer Society Press, 1989.
21. A. Nico Habermann and Dewayne E. Perry. Ada For Experienced Programmers. Reading, Mass: Addison-Wesley, May 1983.

22. Dewayne E. Perry. "Low Level Language Features". Using Selected Features of Ada: A Collection of Papers, CENTACS, US Army Communication-Electronics Command, 1981. Reprinted in The Ada Programming Language: A Tutorial, edited by Sabina H. Saib and Robert E. Fritz. IEEE Computer Society Press, 1983. pp. 327-335.

Refereed Journal Papers

23. Paul S Grisham, Herb Krasner, and Dewayne E. Perry. "Data Engineering Education with Real-World Projects", SIGCSE Bulletin, 38:2 (June 2006), pp 64-69., June 2006

24. Alexander Egyed, Hausi A Mueller, and Dewayne E Perry."Integrating COTS into the Development Process", Special Issue: COTS Integration, IEEE Software 22:4 (July/August 2005), 16-18.

25. Ranjith Purushothaman and Dewayne E Perry, "Towards Understanding the Rhetoric of Small Source Code Changes", Special Issue on Mining Software Repositories, IEEE Transactions on Software Engineering TSE 31-6 (June 2005)

26. Marek Leszak, Dewayne E Perry and Dieter Stoll "Classification and Evaluation of Defects in a Project Retrospective", Journal of Systems and Software, 61 (2002), 173-187.

27. J.M. Perpich, D.E. Perry, A.A. Porter, L.G. Votta and M.W.Wade. "Studies of Code Inspection Interval Reduction in Large-Scale Software Development", IEEE Transactions on Software Engineering, 28:7 (July 2002), 684-694.

28. Dewayne E. Perry, Harvey P. Siy and Lawrence G. Votta. "Parallel Changes in Large Scale Software Development: An Observational Case Study" Transactions on Software Engineering and Methodology, 10:3 (July 2001), 308-337.

29. D. E. Perry, A. Romanovsky and A. Tripathi. "Guest Editor's Introduction - Current Trends in Exception Handling - Part II", IEEE Transactions on Software Engineering 26:9 (October 2000)

30. D. E. Perry, A. Romanovsky and A. Tripathi. "Guest Editor's Introduction - Current Trends in Exception Handling", IEEE Transactions on Software Engineering 26:9 (September 2000)

31. P. T. Devanbu, D. E. Perry and J. S. Poulin. "Guest Edito's Introduction - Next Generation Software Reuse", IEEE Transactions on Software Engineering 26:5 (May 2000)

32. Ashok Dandekar, Dewayne E. Perry and Lawrence G. Votta, "A Study in Process Simplification", Software Process: Improvement & Practice, 3:2 (June 1997).

33. Ashok Dandekar and Dewayne E. Perry, "Barriers to Effective Process Architecture" Software Process: Practice and Improvement, 2.1, January 1996.

34. David Garlan and Dewayne E. Perry, "Introduction to the Special Issue on Software Architecture", IEEE Transactions on Software Engineering, 21:4 (April 1995).

35. Dewayne E. Perry and Laawrence G. Votta, "Prototyping a Process Monitoring Experiment", IEEE Transactions on Software Engineering, 20:10, October1994.

36. Dewayne E. Perry, Nancy Staudenmayer and Lawrence G. Votta, "People, Organizations, and Process Improvement", IEEE Software, July 1994.

37. Dewayne E. Perry and Gail E. Kaiser. "Models of Software Development Environments". IEEE Transactions on Software Engineering, 17:3 (March 1991).

38. Dewayne E. Perry and Gail E. Kaiser, "Making Progress in Cooperative Transaction Models", IEEE Bulletin on Data Engineering, 14:1 (March 1991).

39. Dewayne E. Perry and Gail E. Kaiser. "Adequate Testing and Object-Oriented Programming" Journal of Object-Oriented Programming, January-February 1990.

40. Dewayne E. Perry. "Guest Editorial — Selected Papers from the 3rd Ada Applications and Environments Conference". In ACM Transactions on Programming Languages and Systems, October 1990.

Refereed Conference and Workshop Papers

41. Sutirtha Bhattachary and Dewayne E. Perry. "Predicting Emergent Properties of Component Based Systems", ICCBSS 2006: Sixth International Conference on COTS-Based Software Systems 2007, March 2007.

42. Sutirtha Bhattacharya and Dewayne E. Perry "Architecture Assessment Model for System Evolution", WICSA6: IFIP Working International Conference on Software Architecture 2007, January 2007

43. Charls L. Chen, Paul S. Grisham, Sarfraz Khurshid and Dewayne E. Perry. "Design and Validation of a General Security Model with the Alloy Analyzer", FSE 2006: ACM SIGSOFT Foundations of Software Engineering 2006, Portland OR, November 2006

44. Vidya Lakshminarayanan, WenQian Liu, Charles L Chen, Steve Easterbrook, Dewayne E Perry. "Software Architects in Practice: Handling Requirements", CASCON 2006: IBM CAS Conference, Toronto Canada, October 2006

45. Michael Jester, Herb Krasner, and Dewayne E. Perry. "Software Process Definition & Improvement: An Industry Report", 32nd Euromicro Conference on Software Engineering and Advanced Applications - Software Process and Product Improvement (SEAA-SPPI 2006), Cavtat/Dubrovnik, Croatia. August 2006 , August 2006

46. Dewayne E. Perry, Susan Elliott Sim, and Steve Easterbrook. "Case Studies for Software Engineers", Proceedings of the 28th International Conference on Software Engineering & Co-Located Workshops, 20-28 May, 2006, Shanghai, China, May 2006

47. Danhua Shao, Sarfraz Khurshid and Dewayne E. Perry. "Mining Change and Version Management Histories to Evaluate an Analysis Tool: Extended Abstract", Mid-Atlantic Student Workshop on Programming Languages and Systems, April 2006. New Brunsiwck NJ., April 2006

48. G. Lorenzo Thione and Dewayne E. Perry. "Parallel Changes: Detecting Semantic Interferences". The 29th Annual International Computer Software and Applications Conference (COMPSAC 2005), Edinburgh, Scotland, July 2005

49. Mark Grechanik, Dewayne E. Perry, and Don Batory. "Using AOP to Monitor and Administer Software for Grid Computing Environments", The 29th Annual International Computer Software and Applications Conference (COMPSAC 2005), Edinburgh, Scotland, July 2005

50. Divya Jani, Damien Vanderveken and Dewayne E Perry. "Deriving Architectural Specifications from KAOS Specifications: A Research Case Study", European Workshop on Software Architecture 2005, Pisa Italy, June 2005.

51. Rodion M. Podorozhny, Dewayne E. Perry and Leon J. Osterweil. "Automatically Analyzing Software Processes: Experience Report", Software Process Workshop 2005, Beijing China, May 2005.

52. Matthew J. Hawthorne and Dewayne E. Perry. "Software Engineering Education in the Era of Outsourcing, Distributed Development, and Open Source Software: Challenges and Opportunities", International Conference on Software Engineering (ICSE2005), St. Louis MO, May 2005.

53. Paul S. Grisham and Dewayne E Perry. "Customer Relationships and Agile Software Development". Workshop on Human and Social Factors of Software Engineering (HSSE 2005), International Conference on Software Engineering 2005, St Louis MO, May 2005

54. WenQian Liu, Charles L. Chen, Vidya Lakshminarayanan, Dewayne E. Perry. "A Design for Evidence-based Software Architecture Research". Workshop on Realising Evidence-Based Software Engineering (REBSE'2005), International Conference on Software Engineering 2005, St Louis MO, May 2005.

55. Matthew J. Hawthorne and Dewayne E. Perry. "Exploiting Architectural Prescriptions for Self-Managing, Self-Adaptive Systems: A Position Paper" ACM SIGSOFT Workshop on Self-Managed Systems (WOSS'04), at ACM SIGSOFT Foundations of Software Engineering 2004, Newport Beach CA, November 2004.

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168. Dewayne E. Perry, Ashok Dandekar and Larry Votta, "An Experiment in Process Simplification", Extended Abstract, AT&T Software Symposium, October 1994.

169. D.C. Carr, A.V. Dandekar and D. E. Perry, "The Big Picture — Experiments in Process Interface Description, Visualization and Analysis", AT&T Software Symposium, October 1993.

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179. Laurent A. Hermoye, Axel van Lamsweerde and Dewayne E. Perry. "Attack Patterns for Security Requirements Engineering", September 2006

180. Danhua Shao, Sarfraz Khurshid and Dewayne E Perry. "Detecting Semantic Interference in Parallel Changes: An Exploratory Case Study". September 2006

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In Preparation

321. Rodion Podorzhny, Lee Osterweil, and Dewayne E Perry "Artifact Based Functional Comparison of Software Processes"

322. Mark Grechanik, Dewayne E Perry and Don S Batory, "TML: Engineering a Domain Specific Language."

323. Mark Grechanik, Dewayne E Perry and Don S Batory, recruiting"Reification of Disparate System Type Schemas."

324. Rodion M Podorozhny, Leon J Osterweil and Dewayne E Perry "Comparison process specifications for repeatable comparisons of software design methods"

Selected Invited Presentations

Academic:

Flinders University,
Carnegie-Mellon University,
Columbia University,
Georgia Institute of Technology,
Hartford Graduate Center,
IFIP 2.4 Working Group, Queens University,
Rutgers University,
Syracuse University,
University of California at Irvine,
University of Maryland at College Park,
University of Massachusetts at Amherst.
University of Texas, Austin
Westmont College.

Industrial:

Bell Communications Research,
Centre de recherche informatique de Montreal,
Kestrel Institute,
Lockheed,
Massachusetts Computer Associates,
Micro-Electronics Consortium (MCC),
Nokia
Seimens Corporate Research,
Software Engineering Institute,
Software Productivity Consortium,
Schlumberger Computer Science Laboratory,
Sun Micro-Systems,
Unisys Paoli Research Center,
USC - Information Sciences Institute.

Teaching Experience

- Westmont College, Santa Barbara, CA
  Teaching Assistant in Music
  Music Theory

- University of California, Los Angeles, CA
  Teaching Assistant in Philosophy
  Discussion sections in Introductory Philosophy

- Fairleigh Dickinson University, Madison, NJ
  Introduction to Computer Science
  Programming in Fortran
- Stevens Institute of Technology, Hoboken, NJ
  MA188/189 - Programming Methodology
- Carnegie-Mellon University, Pittsburgh, PA
  15-412 Operating Systems
  15-711 Systems Programming (the Operating Systems/Database part)

The University of Texas at Austin - Courses

EE322C, Data Structures in C++
EE360F, Introduction to Software Engineering
ESE382C, Introduction to Software Engineering
EE316, Digital Systems Engineering I
EE382C, Empirical Studies in Software Engineering
ESE382C, Empirical Studies in Software Engineering
EE382V, Architecture and Design Intent
EE398R, Master's Reports
EE397K, Summer Research Projects

The University of Texas at Austin - Administrative

Director, UT ARISE - Center for Advanced Research In Software Engineering,
Spring 2002 - Spring 2004
Chair, SWE Undergraduate Curriculum Committee,
Spring 2002 - present
Director, Executive Software Engineering Masters Program,
Spring 2000 - present
CE Curriculum Redesign Committee,
Spring-Fall 2000

The University of Texas at Austin

Completed Masters Theses

Vidya Lakshmi, Fall 2006
Laurent Hermoye, Spring 2006
Michael Jester, Summer 2005
Damien Vanderveken, SPring 2004
Divya Jana, Spring 2004
Gianlorenzo Thione, Fall 2003
Ranjith Purushothaman, Spring 2002
Jerry Yang, Spring 2002
Manuel Brandozzi, Fall 2002

Current Masters Students

Completed PhD Theses

Rodion Podorozhy, Summer 2004 (Now at Texas State University, San Marcos TX)
Mark Grechanik, Fall 2006 (Now at Accenture Research Labs, Chicago IL)
Sutritha Bhattacharya, Fall 2006 (at Intel Corp, Portland OR)

Current PhD Students

Paul Grisham
Matthew Hawthorne
Divya Jani
Vidya Lakshmi
Barhat Sajnani
Danhua Shao

Current PhD Committees

Dung Lam
Thomas Wahl

Completed PhD Committees

Ibraham Ihr, Fall 2006
Fei Xie, Summer 2004
Richard Cardone, Fall 2002
Thomas Graser, Spring 2001
James Carrell Holt, Spring 2000

Other PhD. Committees

Wendy Liu, University of Toronto, Toronto CANADA

Catherine Jaktman, University of Technology, Sydney
External Examiner. 2001

Atte Kinmula, University of Oulu, Oulu, Finland.
Reviewer and Opponent. Summer 1999.

Bradley Schmerl, Flinders University, Adalaide, Australia.
External Examiner. 1997

EXHIBIT B

MATERIALS CONSIDERED BY DR. DEWAYNE E. PERRY

1. U.S. Pat. No. 5,327,144
2. TruePosition Source Code: Releases 7, 8, 9, 10
3. TruePosition's Second Amended Complaint (Dated May 30, 2006)
4. Expert Report of Carla S. Mulhern (Dated December 1, 2006)
5. Expert Report Of Oded Gottesman, Ph.D. (Dated December 1, 2006)
6. November 14, 2005 Deposition of Rob Anderson

Exhibit B

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

TRUEPOSITION, INC.,	)	
Plaintiff,	)	C.A. No.
-vs-	)	04-0757-SLR
ANDREW CORPORATION,	)	
Defendant.	)	

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

The videotaped deposition of DEWAYNE E. PERRY, called as a witness herein for examination, taken pursuant to the Federal Rules of Civil Procedure of the United States District Courts pertaining to the taking of depositions, taken before ROSANNE M. NUZZO, a Notary Public within and for the County of Will, State of Illinois, and a Certified Shorthand Reporter of said state, at 5900 Aon Center, 200 East Randolph Drive, Chicago, Illinois, on the 22nd day of January, A.D. 2007, at approximately 9:09 a.m.

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09:20:18 A. No.
09:20:19 Q. Do you know who Mr. Wayne Hoeberlein
09:20:21 is?
09:20:22 A. No.
09:20:22 Q. Did you have any conversations with
09:20:23 Mr. Wayne Hoeberlein?
09:20:25 A. No.
09:20:33 Q. Are you aware that Dr. Goodman
09:20:36 submitted a non-infringement expert report in this
09:20:40 matter?
09:20:40 A. No.
09:20:41 Q. Are you aware that Dr. Goodman
09:20:43 submitted an invalidity report in this matter?
09:20:46 A. I know that they had an expert witness
09:20:49 that did do those things, but I didn't -- I don't
09:20:52 know who it was.
09:20:54 Q. Did you read --
09:20:55 A. No.
09:20:56 Q. -- Dr. Goodman's invalidity report?
09:20:58 A. No.
09:20:58 Q. And you didn't read Dr. Goodman's
09:21:05 non-infringement report?
09:21:07 A. No.
09:21:15 Q. Sir, if I could, can I direct your

09:21:17 attention to Exhibit B of your report.

09:21:28 A. Um-hum. Okay.

09:21:37 Q. And these are materials that you

09:21:38 considered in drafting and writing your report?

09:21:46 A. Yes. They were materials that were

09:21:47 made available to me that I did look at.

09:21:54 Q. In forming your opinion, did you rely

09:21:56 on any materials that aren't listed in Exhibit B?

09:22:03 A. No.

09:22:20 Q. Did Andrew Corporation ever -- or

09:22:22 excuse me.

09:22:22 Did Andrew Corporation or Kirkland &

09:22:25 Ellis attorneys ever give you a budget or a target

09:22:27 time frame in which to complete your report?

09:22:29 A. No.

09:22:32 Q. How much time would you say you've

09:22:33 spent?

09:22:36 MS. KAPPLIN: Objection, vague.

09:22:37 BY THE WITNESS:

09:22:38 A. I should be able to remember what the

09:22:40 bill was, but I don't. I spent six days plus

09:22:54 other time. I just don't remember.

09:22:57 BY MR. GOETTLE:

09:22:57 Q. About a hundred hours? Does that sound

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about right?

A. Something like that.

Q. And you personally drafted the report?

A. Yes.

Q. That's correct?

Did you have any staff helping you in your study of the source code or in drafting the report?

A. No.

Q. Does the report provide a complete basis for your opinion?

A. Yes.

Q. So you consider that -- the report as complete?

A. I'm not sure what you mean by "complete."

Q. Well, sure. If I could direct your

A. Yes.

Q. Is there anything in the report that you would want to add to show fully your opinion

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09:24:12 1
09:24:15 2
09:24:23 3 A. I'm not sure what you mean by -- well,
09:24:25 4 I'm not sure about the term "fully."
09:24:28 5 Q. I see. All right.
09:24:29 6 A. So, I mean, can we repeat --
09:24:31 7 Q. Let me try it a different way.
09:24:31 8 A. Okay.
09:24:33 9 Q. Are you happy with the report?
09:24:34 10 A. Yes.
09:24:34 11 Q. Does it set out everything that you
09:24:36 12
09:24:38 13
09:24:40 14
09:24:41 15 A. Yes.
09:24:44 16 Q. Is there anything in the report that
09:24:45 17 you would like to change?
09:24:47 18 A. No.
09:24:48 19 Q. Is there anything you'd like to delete?
09:24:52 20 A. No, not that I -- not that I know of.
09:24:55 21 Q. Is there anything you would like to
09:24:57 22 add?
09:24:57 23 A. Not that I know of.
09:24:59 24 Q. Okay. I believe I asked you this --

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10:18:56 that the patent is calling -- is called "Cellular
10:18:58 Telephone Location System," it was my assumption
10:19:02 that that's why they -- that's what the algorithms
10:19:05 are there for, for locating telephones. So I had
10:19:11 assumed that.
10:19:12 Q. I see.
10:19:13 A. It was the -- the context in which this
10:19:14 report was to be taken.
10:19:16 Q. I see. Paragraph 3, where you state
10:19:24 that Dr. Gottesman refers to, you know, the
10:19:26 figures of the '144 patent "as representing the
10:19:29 patent's algorithm for processing data to identify
10:19:33 individual cellular telephone signals," where you
10:19:36 state that, "processing data to identify
10:19:39 individual cellular telephone signals," you are
10:19:41 not trying to identify a function of a claim, are
10:19:44 you?
10:19:49 A. I don't know whether I am or not.
10:19:59 Q. You may have been identifying a
10:20:01 function of a claim?
10:20:03 A. I -- I don't know.
10:20:05 Q. Was it your intention to identify a
10:20:06 function of a claim when you wrote that paragraph?
10:20:10 A. No. My intention was to report that,

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10:20:43 Q. Did you have an assumption before you

10:21:17 Q. It's your understanding that Dr. Gottesman refers to Figures 7 and 8A to 8D of the patent as representing the patent's algorithms for processing data to identify individual cellular telephone signals, is that correct?

10:21:29 A. Yes.

10:21:30 Q. Where does that understanding come from?

10:21:33 A. From his expert report.

10:21:36 Q. Where in Dr. Gottesman's expert report does he refer to Figures 7 and 8A through 8D as representing the patent's algorithms for processing data to identify individual cellular telephone signals?

10:21:50 A. Well, there's part of it here, and I -- on page 36, and I don't --

10:21:54 Q. Okay.

10:21:55 A. -- I don't remember where the -- oh, sorry. Page 37. He then refers to "Figures 7, and portions 8C through 8D."

10:22:06 8F is actually a con- -- sorry. Yes. And --

10:22:14 Q. Well, let's --

10:22:15 A. 8D. 8E is a continuation, actually, of 8D.

10:22:20 Q. Okay. You refer to page 36. Where on page 36 is Dr. Gottesman addressing a function for processing data to identify individual cellular telephone signals?

10:22:48 A. I don't know whether he's identifying a function -- well, no. He does say "this function." Sorry.

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10:22:54 Q. That's okay.

10:22:54 A. Yeah. "The algorithm in the patent that performs this function is described in connection with portions of Figures 7, and portions 8A and 8B."

10:23:02 Q. What function is he referring to when he says "this function"?

10:23:13 A. It's the -- the part of the algorithm up through the TDOA calculation on Figure 7.

10:23:30 Q. Well, he's saying that some function that he calls "this function" is described in connection with those figures, but what is "this function"?

10:23:43 A. He hasn't stated what "this function" is.

10:23:46 Q. You don't think it's the quoted portion in the second bullet down, where it starts "means for processing"? You don't think that's "this function"?

10:23:56 MS. KAPPLIN: Objection, vague, calls for legal conclusion.

10:23:59 BY THE WITNESS:

10:23:59 A. It could be, but I don't know.

10:24:01 BY MR. GOETTLE:

eee9c2ce-7535-4cee-be16-71025f3fc0b9

10:55:53 1

10:55:59 2

10:56:02 3

10:56:02 4 MS. KAPPLIN: Objection, calls for legal

10:56:04 5 conclusion, vague.

10:56:06 6 BY THE WITNESS:

10:56:09 7

10:56:13 8

10:56:16 9 BY MR. GOETTLE:

10:56:17 10

10:56:19 11

10:56:24 12

10:56:27 13

10:56:29 14

10:56:31 15 MS. KAPPLIN: Objection, calls for legal

10:56:32 16 conclusion, vague.

10:56:33 17 BY THE WITNESS:

10:56:34 18 A. Would you please repeat?

10:56:35 19 BY MR. GOETTLE:

10:56:35 20

10:56:38 21

10:56:40 22

10:56:42 23

10:56:45 24

eee9c2ce-7535-4cee-be16-71025f3fc0b9

10:56:47 A. Yes.

10:56:48

10:56:50

10:56:51 A. That's right.

10:56:53

10:56:55

10:56:58

10:57:01 MS. KAPPLIN: Objection, calls for legal
10:57:02 conclusion, and vague.
10:57:04 BY THE WITNESS:
10:57:05 A. I did not find anything that I would
10:57:08 have considered equivalent, either.
10:57:10 BY MR. GOETTLE:

10:57:10

10:57:12

10:57:14 A. I -- I searched for everything I could
10:57:15 think of that was related to those steps, yes.

10:57:26

10:57:28

10:57:32 A. "IMSIs"?
10:57:32 Q. You're not familiar with the term
10:57:33 "IMSI"?
10:57:34 A. No.
10:57:34 Q. Did you --

eee9c2ce-7535-4cee-be16-71025f3fc0b9

10:57:34 MR. GOETTLE: That's I-M-S-I, by the way.

10:57:44 BY MR. GOETTLE:

10:57:44

10:57:47

10:57:50

10:57:51

10:57:55

10:58:08 Q. Did you look for any transaction ID --

10:58:11 MS. KAPPLIN: Objection.

10:58:11 BY MR. GOETTLE:

10:58:12

10:58:14 MS. KAPPLIN: Objection, vague.

10:58:18 BY THE WITNESS:

10:58:18

10:58:22

10:58:26

10:58:29 BY MR. GOETTLE:

10:58:30 Q. When I say "transaction ID," do you know what -- to what I'm referring?

10:58:33

10:58:35 A. There are a wide variety of things it might be, but I get the general drift.

10:58:38

10:58:41 Q. In a GSM network, what's your understanding of "transaction ID"?

10:58:44

10:58:46 A. I have no understanding of "transaction

eee9c2ce-7535-4cee-be16-71025f3fc0b9

10:58:47 ID" in a GSM network.

10:58:50 Q. Do you have an understanding of an

10:58:52 internal mobile subscriber identity?

10:58:56 A. I have a -- a vague understanding that

10:59:00 a mobile telephone has some form of identity, yes.

10:59:05 Q. Do you have an understanding of a -- of

10:59:07 what a temporary mobile subscriber identity is?

10:59:13 A. Well, from -- from -- from your

10:59:16 description, it's an identifier that's temporary.

10:59:21 But beyond that, no.

10:59:22 Q. Do you have any understanding of an

10:59:25 international mobile equipment identity?

10:59:28 A. Other than what one would intuitively

10:59:32 understand from the name, no.

10:59:37 Q. How about an MSISDN?

10:59:41 A. Well, I -- I know what ISDN was, but

10:59:46 no.

10:59:50 Q. Is it possible that one of -- one of --

10:59:54 let me back up.

10:59:55

11:00:07

11:00:10

11:00:13

11:00:16

eee9c2ce-7535-4cee-be16-71025f3fc0b9

11:00:19
11:00:24
11:00:25
11:00:51
11:00:53
11:00:58
11:01:03
11:01:05
11:01:08
11:01:13
11:01:15
11:01:17
11:01:18 MS. KAPPLIN: Objection.
11:01:19 THE WITNESS: I'm sorry.
11:01:20 MS. KAPPLIN: Objection, overbroad.
11:01:22 BY THE WITNESS:
11:01:22
11:01:24
11:01:36 BY MR. GOETTLE:
11:01:48
11:01:49
11:01:59
11:02:03
11:02:08 A. I don't remember. I do remember

eee9c2ce-7535-4cee-be16-71025f3fc0b9

11:02:09 generally looking -- looking in that area.
11:02:13 I don't remember that specific file name. There
11:02:17 were a lot of file names.
11:02:19 Q. I can imagine.
11:02:29
11:02:30
11:02:38
11:02:42
11:02:44
11:02:46
11:02:47
11:02:50
11:03:06
11:03:11
11:03:13
11:03:25
11:03:28
11:03:30
11:03:33
11:03:35
11:03:38
11:03:39
11:03:41
11:03:43

eee9c2ce-7535-4cee-be16-71025f3fc0b9

11:03:47
11:03:50
11:03:53
11:03:55
11:03:57
11:03:58
11:04:00
11:04:01
11:04:03
11:04:05
11:04:07
11:04:08
11:04:12
11:04:14
11:04:37
11:04:40
11:04:43
11:04:43
11:04:47
11:04:50
11:04:51
11:04:57
11:05:01
11:05:06

11:05:08
11:05:13
11:05:19
11:05:28
11:05:30
11:05:34
11:05:37
11:05:39
11:05:42
11:05:44
11:05:46
11:05:50
11:05:52
11:05:54
11:05:57
11:06:05
11:06:21
11:06:24
11:06:25
11:06:30
11:06:47
11:06:50
11:06:53
11:06:56

11:06:59 MS. KAPPLIN: Objection, compound, vague.

11:07:02 BY THE WITNESS:

11:07:02

11:07:05

11:07:12

11:07:18 BY MR. GOETTLE:

11:07:18

11:07:19

11:07:24

11:07:26

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11:08:03

Exhibit C

EXPERT REPORT OF ODED GOTTESMAN, Ph.D.

My name is Oded Gottesman, and I was asked to write this report by TruePosition, Inc. ("TruePosition"). I was specifically asked to consider whether Andrew Corporation ("Andrew") has infringed U.S. Patent 5,327,144 (the '144 Patent). I understand that TruePosition has sued Andrew for infringement of U.S. Patent 5,327,144 (the '144 Patent). I have been retained by TruePosition because of my expertise in the areas of telecommunications, computer programming, signal processing, speech coding, and transmission over networks, including radio communications in cellular networks.

This report considers the '144 Patent, and my opinion that Andrew infringes the 144 Patent because the 144 Patent claims encompass configurations of Andrew's Mobile Location System product known as the "Geometrix® Wireless Location System."

I. Summary of My Opinions

Based upon my 19 years of experience in the signal processing and telecommunications industry, I believe that Andrew has infringed Claims 1, 2, 22 , 31, and 32 (the "Asserted Claims") of the '144 Patent by using and offering to sell certain configurations of its Geometrix® Wireless Location System, and by supplying from the United States the components of the Geometrix® Wireless Location System.

More specifically, in December 2004, Andrew infringed Claims 1 and 2 of the 144 Patent by offering for sale within the United States a configuration of the Geometrix® Wireless Location System to Saudi Telecom Company ("STC"), a cellular telephone network operator in Saudi Arabia.

In about August/September 2005, Andrew also infringed Claim 31 of the 144 Patent by using within the United States a configuration of the Geometrix® Wireless Location System at a demonstration at its Ashburn, Virginia, facility.

Between October, 2005 and February, 2006, Andrew again infringed Claims 1 and 2 of the 144 Patent by offering for sale configurations of the Geometrix® Wireless Location System to STC.

After October, 2005, Andrew also repeatedly infringed Claims 1, 2, 22, 31 and 32 of the 144 Patent by supplying from the United States to Saudi Arabia components of a system comprising a combination of Andrew's Geometrix® Wireless Location System and STC's cellular telephone system, and by supplying components of a method performed during the operation of that combination system.

After October, 2005, Andrew also repeatedly infringed Claims 1, 2, 22, 31 and 32 of the 144 Patent by supplying from the United States to Saudi Arabia components of a system comprising a combination of Andrew's Geometrix® Wireless Location System, STC's cellular telephone system and a Location Based Services database owned or operated by STC, and by supplying components of a method performed during operation of that combination system.

E.2.1.5 Third Clause of Claim 1: "(b) a central site system operatively coupled to said cell site systems, comprising: means for processing said frames of data from said cell site systems to generate a table identifying individual cellular telephone signals and the differences in times of arrival of said cellular telephone signals among said cell site systems; and means for determining, on the basis of said times of arrival differences, the locations of the cellular telephones responsible for said cellular telephone signals."

The third clause of Claim 1: **"(b) a central site system operatively coupled to said cell site systems, comprising: means for processing said frames of data from said cell site systems to generate a table identifying individual cellular telephone signals and the differences in times of arrival of said cellular telephone signals among said cell site systems; and means for determining, on the basis of said times of arrival differences, the locations of the cellular telephones responsible for said cellular telephone signals."**

In my opinion, the "Geometrix® Wireless Location System" offered to STC literally includes all of the elements of the third clause of claim 1. I will now explain element by element how the "Geometrix® Wireless Location System" offered to STC literally includes all of the elements of the third clause of Claim 1.

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[86] See, e.g., AND_EF0096141; AND_EF0095938; AND0018865.

[87] See, e.g., PX-218 at 24 of 55, noting that the "TDOA technique works by measuring the exact time of arrival of a radio signal at three or more separate cell sites"; AND_EF0096141; AND_EF0095938; AND0018865.

[88] See, e.g., PX-218 at 20 of 55, Fig. 2.1.1.

[89] See, e.g., PX-218at 13 of 55 noting that the GCS "calculates location estimates based on measurements made by LMU's."

[90] See AND0019024 – AND0019038, AND0020896 – AND0021415, AND0021427 – AND0021962, and AND0022177 – AND0023010; 09/22/06 Deposition Transcript of Andrew Beck at p. 62, l. 1 – p. 64, l. 7; p. 216, ll. 17- 24; AND_EF134186 noting that "by calculating the difference in arrival time at pairs of cell sites, it is possible to calculate hyperbolas on which the transmitting device is located."

that determines, on the basis of the differences in times of arrival, the locations of the cellular telephone responsible for the standalone dedicated control channel signals.[91]

The algorithm in the patent that performs this function is described connection with portions Figures 7, and portions 8C-8D which are nicely summarized in the fifth and

In conclusion, it is my opinion that all the elements of claim 1 are literally included in the Geometrix system offered to STC.

E.2.2 CLAIM 2 OF THE '144 PATENT

E.2.2.1 Claim 2 Recitation

A cellular telephone location system as recited in claim 1, wherein said timing signal receiver comprises a global positioning system (GPS) receiver.

---

[91] See AND0021416 – AND0021426, "FixMix()"; PX-218, at 13 of 55 noting that the GCS "calculates location estimates based on measurements made by LMU's"; AND_EF134186, noting that "by calculating the difference in arrival time at pairs of cell sites, it is possible to calculate hyperbolas on which the transmitting device is located"; 10/14/06 Deposition Transcript of Alan Li [37] at p. 70, l. 13 – p. 73, l. 15.

[92] *See* Ilan Ziskind and Mati Wax, "Maximum likelihood localization of multiple sources by alternating projection," IEEE Trans. ASSP, Vol. 36, No. 10, pp.1553 – 1560, October 1988; Mati Wax and Ilan Ziskind, "On unique localization of multiple sources by passive sensor arrays," IEEE Trans. ASSP, Vol. 37 No. 7, pp. 996-1000, July 1989; Bin Yang, "Projection approximation subspace tracking," IEEE Trans SP, Vol. 43 No. 1, pp. 95-107, January 1995; Michaela C. Vanderveen, et. al., "Joint Angle and Delay Estimation (JADE) for Multipath Signals Arriving at an Antenna Array," IEEE COMMUNICATIONS LETTERS, VOL. 1, NO. 1, pp.12 - 14, JANUARY 1997; Nilesh Agarwal Leena Chandran-Wadia Varsha Apte, "CAPACITY ANALYSIS OF THE GSM SHORT MESSAGE SERVICE," Indian Institute of Technology Bombay, www.cse.iitb.ac.in/~varsha/allpapers/wireless/ncc03cam.pdf , 2003; John D. Bard and Fredric M. Ham,"Time Difference of Arrival Dilution of Precision and Applications," IEEE TRANSACTIONS ON SIGNAL PROCESSING, VOL. 47, NO. 2, p.521-3, FEBRUARY 1999; K. C. Ho, and Wenwei Xu, "An Accurate Algebraic Solution for Moving Source Location Using TDOA and FDOA Measurements", IEEE TRANSACTIONS ON SIGNAL PROCESSING, VOL. 52, NO. 9, SEPTEMBER 2004.

[93] *See* AND_EF134186 .

E.2.2.2 GEOMETRIX system does perform elements of method Claim 2

The following section describes how the "Geometrix® Wireless Location System" offered to STC literally includes the elements of Claim 2 of the '144 Patent.

E.2.2.3 Claim 2: "A cellular telephone location system as recited in claim 1, wherein said timing signal receiver comprises a global positioning system (GPS) receiver"

Claim 2 is **"A cellular telephone location system as recited in claim 1, wherein said timing signal receiver comprises a global positioning system (GPS) receiver "**

In my opinion, the "Geometrix® Wireless Location System" offered to STC satisfies all of the elements of the claim. I will now explain element by element how the "Geometrix® Wireless Location System" offered to STC infringes on Claim 2.

- **"A cellular telephone location system as recited in claim 1,"**

This element is satisfied by the "Geometrix® Wireless Location System" offered to STC.[94] Since this claim element merely incorporates the elements of claim 1, no analysis is necessary beyond that which I have already explained.

- **"wherein said timing signal receiver comprises a global positioning system (GPS) receiver."**

This element is satisfied by the GPS receiver in each of the Version 2 WLS's/LMU's offered to STC which comprise a global positioning system (GPS) receiver.[95]

In conclusion, it is my opinion that all the elements of claim 2 are literally included in Andrew's "Geometrix® Wireless Location System" offered to STC.

E.3 ANDREW'S AUGUST/SEPTEMBER, 2005 DEMONSTRATION IN ASHBURN – CLAIM 31

E.3.1 CLAIM 31 OF THE '144 PATENT

E.3.1.1 Claim 31 Recitation

A method for determining the location(s) of one or more mobile cellular telephones periodically transmitting signals over one of a prescribed set of reverse control channels, comprising the steps of:

(a) receiving said reverse control channel signals at least three geographically-separated cell sites;

---

[94] See infringement opinion for Claim 1 in Section A.E.2.1 above.

[95] See, e.g., PX-115, "GPS" Block; 10/2/06 Deposition Transcript of John Carlson, p. 74, ll. 17-23.

51 frame SDCCH structure illustrated earlier in my report. In any event, the 144 Patent defines "periodic" as "discontinuous," meaning occurring from time to time, which SDCCH transmissions certainly do. Col. 2, ll. 19-22.

I also understand that Andrew may claim that this claim element is not satisfied because the 144 patent is limited to "AMPS" control channels, "analog" control channels, or control channels within a particular band. As fully described earlier, the control channels in an AMPS system are digital, not analog, and the preferred embodiment in Stilp also described digital control channels. The patent cannot be limited to analog control channels.

The patent also specifically states that it is applicable to digital systems that were known at the time (Col. 1, ll. 5-10; Col. 1, ll. 27-30) and since GSM, TDMA and CDMA were known , the patent cannot be limited to control channels that exclude these digital protocols, nor can it be limited to the frequency bands in an AMPS cell phone network. One of ordinary skill would have expected the inventors to describe AMPS more extensively in the patent, or at least mention AMPS, had they intended the patent to be limited to AMPS. Significantly, based on my review of the deposition transcripts of John Webber and Curtis Knight, it appears that neither Mr. Knight nor Mr. Webber have any expertise in AMPS, which suggests that they did not invent an AMPS-specific invention. Their expertise instead appears to be in the area of radio communications.

If the Court should construe the claims in accordance with Andrew's proposed construction of "reverse control channel" then I expect to testify that this claim element is met under the doctrine of equivalents. SDCCH transmissions perform substantially the same function as an AMPS control channel transmissions, in substantially the same way to obtain substantially the same result. The function of both the SDCCH and the AMPS control channel transmissions is to convey digital control information. As mentioned earlier in my report, both AMPS and GSM use digital control channels. Furthermore, both the AMPS control channel transmissions and SDCCH transmissions convey such digital information in substantially the same way--over frequency bands, the difference being that the SDCCH is also defined by time slot. Finally the result is also substantially the same. In the context of cellular network, the result is a call being set up or digital control information otherwise being put to use. In the context of a location system like that claimed in the patent (i.e., like Geometrix), the transmission facilitates cell phone location.

Furthermore, having reviewed the file story the inventors did not disclaim coverage of control channels outside of AMPS.

E.5.3.5 Third Clause of Claim 22: "(b) locating means for automatically determining the locations of said cellular telephones by receiving and processing signals emitted during said periodic reverse control channel transmissions; and"

The third clause of Claim 22 is: **"(b) locating means for automatically determining the locations of said cellular telephones by receiving and processing signals emitted during said periodic reverse control channel transmissions; and"**

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[160] See, e.g., AND0019024 – AND0019038, AND0020896 – AND0021962, AND0022177 – AND0023010; PX-63 at 13 of 55 noting that the GCS "calculates location estimates based on measurements made by LMU's."

[161] *See* Ilan Ziskind and Mati Wax, "Maximum likelihood localization of multiple sources by alternating projection," IEEE Trans. ASSP, Vol. 36, No. 10, pp.1553 – 1560, October 1988; Mati Wax and Ilan Ziskind, "On unique localization of multiple sources by passive sensor arrays," IEEE Trans. ASSP, Vol. 37 No. 7, pp. 996-1000, July 1989; Bin Yang, "Projection approximation subspace tracking," IEEE Trans SP, Vol. 43 No. 1, pp. 95-107, January 1995; Michaela C. Vanderveen, et. al., "Joint Angle and Delay Estimation (JADE) for Multipath Signals Arriving at an Antenna Array," IEEE COMMUNICATIONS LETTERS, VOL. 1, NO. 1, pp.12 - 14, JANUARY 1997; Nilesh Agarwal Leena Chandran-Wadia Varsha Apte, "CAPACITY ANALYSIS OF THE GSM SHORT MESSAGE SERVICE," Indian Institute of Technology Bombay, www.cse.iitb.ac.in/~varsha/allpapers/wireless/ncc03cam.pdf , 2003; John D. Bard and Fredric M. Ham,"Time Difference of Arrival Dilution of Precision and Applications," IEEE TRANSACTIONS ON SIGNAL PROCESSING, VOL. 47, NO. 2, p.521-3, FEBRUARY 1999; K. C. Ho, and Wenwei Xu, "An Accurate Algebraic Solution for Moving Source Location Using TDOA and FDOA Measurements", IEEE TRANSACTIONS ON SIGNAL PROCESSING, VOL. 52, NO. 9, SEPTEMBER 2004.

[162] *See* AND_EF134186 .

E.5.3.6 Fourth Clause of Claim 22: "(c) database means for storing location data identifying the cellular telephones and their respective locations, and for providing access to said database to subscribers at remote locations"

The fourth clause of Claim 22 is: **"(c) database means for storing location data identifying the cellular telephones and their respective locations, and for providing access to said database to subscribers at remote locations."**

In conclusion, it is my opinion that all the elements of claim 22 are included in the combination of Andrew's "Geometrix® Wireless Location System" supplied to Saudi Arabia and STC's cellular network.

E.5.4 CLAIM 31 OF THE '144 PATENT

E.5.4.1 Claim 31 Recitation

A method for determining the location(s) of one or more mobile cellular telephones periodically transmitting signals over one of a prescribed set of reverse control channels, comprising the steps of:

(a) receiving said reverse control channel signals at least three geographically-separated cell sites;

---

[163] See, e.g., PX-63 at 33 of 55, "Latitude," "Longitude," "Identity"; PX-236 – PX-240.

[164] 11/21/06 Deposition Transcript of Iris Inbar, p. 28, l. 1 – p. 31, l. 24.

Exhibit D

CONFIDENTIAL -- SUBJECT TO PROTECTIVE ORDER

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TRUEPOSITION, INC., Plaintiff and Counterclaim Defendant, v. ANDREW CORP., Defendant and Counterclaim Plaintiff.	Case No. 05-0747-SLR *Confidential* *Subject to Protective Order*

EXPERT REPORT OF CARLA S. MULHERN

DECEMBER 1, 2006

3. Micro Chemical v. Lextron

60. The Panduit test has been supplemented and clarified in a number of subsequent court cases. One such variation on the Panduit test is the two-supplier market test as set forth in the court's decision in *Micro Chemical, Inc. v. Lextron, Inc.*.[117] The Federal Circuit has described this test as follows:

> Admittedly, this court's precedent has not reconciled completely the two-supplier [market] test with the Panduit test. Nevertheless, that precedent does provide the necessary framework for application of the two-supplier market test … [T]his court [has] stated:
>
> In the two-supplier market, it is reasonable to assume, provided the patent owner has the manufacturing and marketing capabilities, that it would have made the infringer's sales. In these instances, the Panduit test is usually straightforward and dispositive.[118]

61. Thus, once a patentee has shown that the relevant market contains only two suppliers, it remains only to show 1) its manufacturing and marketing capacity sufficient to make the sales that were diverted to the infringer, and 2) the amount of profit that it would have made from these diverted sales. In essence, the two-supplier market test collapses the first two Panduit factors into one "two suppliers in the relevant market" factor.[119] Nevertheless, below, I discuss each Panduit factor separately.

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117 *Micro Chemical, Inc., v. Lextron, Inc.*, 318 F.3d 1119, 1124 (Fed. Cir. 2003).
118 *Ibid.*
119 *Ibid.*

B. Lost Profits Analysis

1. Demand for the Patented Product

62. In analyzing demand for the patented product, it is appropriate to examine the level of demand for the patented products as well as the extent to which that demand is driven by the features of the patent-at-issue. Demand for the patented product is evidenced by

63. According to Michael Hoppman, TruePosition's Chief Financial Officer, products

64.

---

[120] Deposition of Michael Hoppman, 11/15/06, [ROUGH, pp. 11-12]. Prior to late 2002, TruePosition's 5.0

[121] Revenues are reported on a shipped basis. *See* TPI-E0017173, pp. 18-19, TPI-E0001887, pp. 6-7, 13; [Note: 2004 annual data is projected as of 12/1/04]. *See also* TPI-E0012289, pp. 11-12.

65.

66. There is also some evidence that Andrew and TruePosition expected considerable

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122 Finder Business Plan.doc (TPI-E0012301), p. 5.
123 Business Plan Slides_05.02.05.ppt (TPI-E0001902), pp. 2, 16.
124 PX-414, at Section 6.1.
125 Deposition of Joseph Kennedy, Jr., 11/9/06, Vol. 2, pp. 58-62-63.
126 PX-349 and Deposition of Gary Brown, 11/7/06, Vol. I, pp. 14-15, 37-42, 67; PX-86 and Deposition of James McDaniel, Jr., 9/29/06, pp. 152-153, 159-160; PX-142, PX-144, and PX-146 and Deposition of Randy Wynn, 10/10/06, pp. 149-153.

For example, Andrew valued

67. I have also considered the role of the patented technology in contributing to the demand for products embodying the patent-at-issue. My review of evidence provided by

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[127] *See* Deposition of Joseph Kennedy, Jr., 11/9/06, Third Rule – 30(b)(6) – Vol. 2., pp. 26-28 and 36-38, PX-359, and PX-415. *See also* Deposition of Gary Brown, 11/7/06., pp. 124-125 and Deposition of Joseph

11/7/09, pp. 108-110.

[128] TPI-E0017175, pp.15-16.

Vice President of Business Development of its Network Solutions Group, confirmed that without this capability, STC would not have purchased the system.[135]

72. In addition, in March 2005, Mohamed Eissa, Andrew's Vice President of Business Development for Wireless Network Solutions, wrote the following to Terry Garner, Andrew's Network Solutions Group President:

73. According to David McHoul, TruePosition's Director of Sales

74. In addition, stated that it would provide two key features:

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135 Deposition of Joseph Kennedy, Jr., 11/9/06, Third Rule – 30(b)(6) – Vol.2, pp. 39-41.
136 PX-412.
137 Deposition of David McHoul, 11/16/06, [ROUGH, p. 13.]
138

75.

2. Availability of Acceptable Non-Infringing Alternatives

76. My review of the evidence indicates that there are no acceptable non-infringing alternatives. As detailed previously, the evidence shows that the marketplace for U-TDOA safety and security solutions is a two-supplier marketplace. Not surprisingly then, the evidence shows that TruePosition and Andrew were the only two bidders to provide

77.

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139 Exhibit 109, AND_EF123763

140 PX-26 and Deposition of Joseph Kennedy, Jr., 11/9/06, Third Rule – 30(6)(6) – Vol. 2., pp. 47-48.

141 Deposition of Joseph Kennedy, Jr., 11/9/06, Third Rule – 30(6)(6) – Vol. 2., pp. 47-48. *See also*, PX-32.

78.

3. Manufacturing and Marketing Capacity to Exploit Demand

79. I have determined that TruePosition had the required manufacturing capacity to meet the additional demand contemplated by my lost profits analysis. I base this conclusion on an

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142 Deposition of Terry Garner, 9/27/06, pp. 72-73.
143 PX-26.
144 PX-252.